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Attorney for Bret Alan Humphries

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

BRET ALAN HUMPHRIES
Defendants.

CASE NO: 2:14-cr-00279-APG-VCF

**STIPULATION TO EXTEND TIME TO
FILE REPLY TO THE
GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION TO COMPEL
DISCOVERY (Dkt. 127)**

(First Request)

IT IS HEREBY STIPULATED AND AGREED by BRET ALAN HUMPHRIES, by and through his attorney, THOMAS A. ERICSSON, ESQ., and the United States of America, by and through FRANK COUMOU, ESQ., Assistant United States Attorney, that the date for the defendant to respond to the Government's Response to Defendant's Motion to Compel Discovery (Dkt. 127) be extended up to and including June 23, 2017.

The request for a continuance is based upon the following:

1. On May 24, 2017, the Defendant filed a Motion to Compel Discovery (*See*, Dkt. 126).
2. On June 7, 2017, the Government filed its Response to the Defendant's Motion to Compel Discovery (*See*, Dkt. 127).

- 1 3. Counsel for the Defendant requires additional time to finalize his reply to the
2 Government's Response because he requires the assistance of his expert to
3 prepare the reply, and the expert is currently in trial.
- 4 4. Defendant Humphries is currently in custody and has no objection to the
5 continuance.
- 6 5. Defense counsel for BRET ALAN HUMPHRIES has spoken to AUSA Frank
7 Coumou, and he has no objection to the continuance of the briefing schedule.
- 8 6. The additional time requested herein is not sought for purposes of delay.
- 9 7. Denial of this request for a continuance would deny counsel for the defendant
10 sufficient time, to effectively and thoroughly prepare and submit pretrial
11 motions and notices of defense, taking into account the exercise of due
12 diligence.
- 13 8. Additionally, denial of this request for continuance could result in a
14 miscarriage of justice.
- 15 9. The additional time requested by this Stipulation is excludable in computing
16 the time within which the trial herein must commence pursuant to the Speedy
17 Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the
18 factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and
19 3161(h)(7)(B)(iv).

20 This is the first request to extend the time to file this reply.

21 DATED: June 13, 2017.

22 Respectfully submitted,

23 /s/ Thomas A. Ericsson
24 Thomas A. Ericsson, Esq.
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28 Attorney for Bret Alan Humphries

23 /s/ Frank Coumou
24 Frank Coumou, Esq.
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28 Attorney for the United States of America

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(First Request)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. On May 24, 2017, the Defendant filed a Motion to Compel Discovery (*See*, Dkt. 126).
2. On June 7, 2017, the Government filed its Response to the Defendant's Motion to Compel Discovery (*See*, Dkt. 127).
3. Counsel for the Defendant requires additional time to finalize his reply to the Government's Response because he requires the assistance of his expert to prepare the reply, and the expert is currently in trial.

4. Defendant Humphries is currently in custody and has no objection to the continuance.
5. Defense counsel for BRET ALAN HUMPHRIES has spoken to AUSA Frank Coumou, and he has no objection to the continuance of the briefing schedule.
6. The additional time requested herein is not sought for purposes of delay.
7. Denial of this request for a continuance would deny counsel for the defendant sufficient time, to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
8. Additionally, denial of this request for continuance could result in a miscarriage of justice.
9. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time to reply to the Government's arguments.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

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ORDER

IT IS THEREFORE ORDERED that the previously-scheduled deadline for the Defendant to file a reply to the Government's Response to Defendant's Motion to Compel Discovery be extended until June 23, 2017.

DATED AND DONE this 14th day of June, 2017.



UNITED STATES MAGISTRATE JUDGE